

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,
Plaintiff

v.

UNITED STATES OF AMERICA,
Defendant

Civil No. 3:CV-01-1026

(Judge Rambo)

(Magistrate Judge Smyser)

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FILED
HARRISBURG
DEC 19 2001

Per MARY E. D'ANDREA, CLERK
DEPUTY CLERK

**DEFENDANT'S OBJECTIONS TO THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

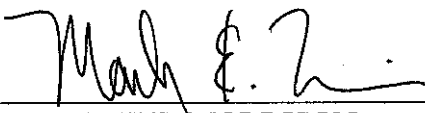
COMES NOW, The United States of America, by its attorneys, Martin C. Carlson, United States Attorney for the Middle District of Pennsylvania and Mark E. Morrison, Assistant United States Attorney hereby objecting to the Magistrate Judge's November 27, 2001 Report and Recommendation on the following grounds:

1. The Magistrate Judge erred in citing as dispositive *Wooten v. United States*, 825 F.2d 1039 (6th Cir. 1987) in concluding that plaintiff sustained both work-related and nonwork-related injuries.

The reasons underlying this objection are set forth in defendant's supporting brief.

Respectfully submitted,

MARTIN C. CARLSON
United States Attorney

By: 
MARK E. MORRISON
Assistant U.S. Attorney
P.O. Box 11754
Harrisburg, PA 17108-1754
Phone: (717) 221-4482 Fax: (717) 221-2246

Date: December 19, 2001

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,)	
Plaintiff)	
)	Civil No. 3:CV-01-1026
v.)	
)	(Judge Rambo)
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Defendant)	
)	

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on December 19, 2001, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jerome Smith
Reg. No. 19145-018
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752


ANITA L. LIGHTNER
Paralegal Specialist